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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,103	04/24/2001	Katsuhisa Ogawa	35.C15321	4430

5514 7590 09/27/2005

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,103

Applicant(s)

OGAWA ET AL.

Examiner

Vivek Srivastava

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 11 – 24 and 33- 40 in the reply filed on 7/14/05 is acknowledged. The traversal is on the ground(s) that there would be undue burden in examining all three groups of claims in a single application and that undue burden must also be shown. This is not found persuasive because, although the subcombinations disclosed are usable together in a single combination, they are distinct from each other as they are shown to be separately usable. Since all three inventions are distinct, and are directed to different classes and subclasses, there would be an undue burden on the Examiner with respect to searching the different classes and subclasses pertaining to each invention.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 7 – 10, 25 and 30 – 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer (US 5,793,414).

Regarding claims 1, 8, 9, 10, 25, 30, 31 and 32, a information distribution control program to be executed in an information distribution apparatus and method using a cable line for digital broadcasting comprising:

An identification step for identifying the type of printer apparatus to be connected to a set-top box of each user (see fig 1). It is noted that a program control computer 16 server determines printer characteristics including output size, printer resolution printer color space, printer color gamut, printer calibration, designation or a preferred halftone algorithm and number of bits per pixel per color (see col 3 lines 27 – 46). Shaffer further discloses the printer processor contains a table of printer characteristics for each printer on the network. The printer processor retrieves the printer characteristics for the particular printer using the address of the set-top. It is noted that that the type of printer is identified by the printer characteristics and address of the set-top.

Shaffer further discloses a program control computer recognizes the request for a hard copy print and retrieves or obtains the image data to be printed from a high resolution image storage means (see col 3lines 26 – 32). After the print data is processed, the program controller 16 obtains the image data for transfer to a user (see col 3 lines 42 – 55).

Shaffer further discloses a selection step for selecting a printer parameters which match the printer apparatuses characteristics based in the identification information and generating a generating step for generating, using the selected printer driver, print

information that should be printed by said printing apparatuses of the specific users from said obtained data that should be printed (see col 3 line 55 – col 4 line 13).

Shaffer further discloses a distribution step for distributing the generated print information to the set-top boxes of the specific users via the cable line (see col 3 lines 43 – 55).

Regarding claim 2, Shaffer discloses the claimed identification step identifies the type of printing apparatus by recognizing a device ID of the printing apparatus to be notified by the set-top box (see col 3 lines 43 – 55).

Regarding claim 3, Shaffer discloses the claimed printing apparatus to be connected to the set-top (see fig 1).

Regarding claim 4, Shaffer discloses the set-top box separates a print information portion from the distributed information and decodes it to original print information, and transfers the print information to the printing apparatus without displaying it on a monitor (see demodulator/decoder 110 in fig 1 and col 4 lines 25 – 52).

Regarding claim 7, Shaffer discloses distribution information is separated into print information and broadcast information in the set-top box, and print information is transferred to the printing apparatus without being displayed on the display (see fig 1 and col 4 lines 25 – 52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer (US 5,793,414).

Regarding claim 6, Shaffer discloses a two-way cable line and distribution step which distributes the print information as distribution information together with broadcast information that should be outputted on a television display 10 (fig 1) to be connected to the set-top box 14 of the user (fig 14). Shaffer fails to disclose the claimed broadband network. Official Notice is taken it would have been well known a broadband network provides a higher bandwidth channel for communication. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaffer to include the claimed limitation for the benefit of having a higher bandwidth communication channel.

Regarding claim 26, Shaffer discloses a scrambler but fails to specifically disclose a distribution step distributes print information after scrambling it. Official Notice is taken the scrambling of data provides for a more secure means for transmitting and receiving data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaffer to include the claimed limitation for the benefit of securely transmitting print data.

Regarding claim 29, Shaffer fails to disclose an information distribution server is a server of a bank that desires distribution of a use record as distribution information.

Official Notice is taken it would have been well known to modify the distribution server or service providing source in Shaffer to include providing bank use records for the benefit of providing a user with pertinent information over a well connected cable infrastructure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaffer to include the claimed limitation for the benefit of providing pertinent information to a user.

Allowable Subject Matter

Claims 5, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwamoto et al (US 6,930,788) – Secure printing over cable network

Ogasawara (US 6,543,052) – Internet shopping utilizing a set-top box

Sasaki (5,228,118) – Printing system with drivers

Gase et al (US 5,580,177) – Printer status monitoring

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
9/21/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER